

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri for Approval of) **File No. ET-2018-0132**
Efficient Electrification Program)

ORDER GRANTING LEAVE TO FILE AMICUS CURIAE BRIEF

Issue Date: December 11, 2018

Effective Date: December 11, 2018

On November 30, 2018, the Missouri Petroleum Marketers & Convenience Store Association (MPCA) timely petitioned the Commission to grant it leave to file an *amicus curiae* brief. MPCA states that it is a Missouri nonprofit corporation that represents and is comprised of independent petroleum marketers and convenience store operators, petroleum suppliers, and associated industry companies within the state of Missouri. MPCA indicates that its members include gasoline and diesel fuel wholesalers, commissioned gasoline distributors, and gasoline reseller-retailers some of which are customers of Union Electric Company d/b/a Ameren Missouri (Ameren Missouri). MPCA further states that:

Because Ameren Missouri seeks to compete with MPCA's members in the motor fuel market, MPCA is in a unique position to provide a legal perspective and background information to the Commission for its consideration of whether Ameren Missouri has provided sufficient evidence to show the Charge Ahead – EV and BS Programs are needed and cost effective; what if any, cost recovery mechanisms may be appropriate for these Programs; and whether the Commission should impose any conditions on approval of these Programs.¹

On December 10, 2018, Ameren Missouri filed a response to MPCA's petition.

Ameren Missouri does not oppose the petition, but cites to Missouri case law indicating

¹File No. ET-2018-0132, *Petition of Missouri Petroleum Marketers & Convenience Store Association for Leave to File Amicus Curiae Brief and Request for Expedited Ruling*, (filed November 30, 2018), para. 4.

that, as an *amicus curiae*, MPCA should not be allowed to interject new issues into the proceeding.²

The Commission has reviewed the petition and the response and will grant leave to file the brief. The MPCA shall file its *amicus curiae* brief in accordance with the previously issued procedural order of the Commission.³ The Commission can only make decisions based on the evidence in its record and, therefore, the Commission will not consider any portion of a brief setting out facts not in evidence.

THE COMMISSION ORDERS THAT:

1. The *Petition of Missouri Petroleum Marketers & Convenience Store Association for Leave to File Amicus Curiae Brief and Request for Expedited Ruling* is granted.
2. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Nancy Dippell, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 11th day of December, 2018.

² File No. WT-2018-0132, *Response to Petition of Missouri Petroleum Marketers & Convenience Store Association (sic) for Leave to File Amicus Curiae Brief*, (filed 12-10-18), para. 3.

³ File No. ET-2018-0132, *Order Setting Procedural Schedule and Further Suspending Tariffs*, (issued May 24, 2018).